APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,890	08/01/2003	Damon V. Danieli	MS1-1501US	3050

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EXAMINER
TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
10/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

	Application No.	Applicant(s)
Office Action Summary	10/632,890	DANIELI, DAMON V.
	Examiner	Art Unit	
	DANIEL TEKLE	2621	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 April 2009</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-51,53,54,56-62,64-75 and 77-82</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-51,53,54,56-62,64-75 and 77-82</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

September 20, 2010 has been entered.

Response to Argument

Applicant's arguments with respect to claim 1-54, 56-62, 64-75 and 77-82 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-54, 56-62, 64-75 and 77-82 rejected under 35 U.S.C. 103(a) as being

unpatentable over Watkins (US 6,442,331), and further in view of Fleming, III et al. (US

6,973,461).

Regarding Claim 1: Watkins discloses a method implemented on a device by a

processing unit configured to execute computer-executable instructions that, when

executed by the processing unit, direct the device to perform acts comprising: obtaining

audio/video data from a disc **(column 5 line 56: Optical disk system include**

audio/video data); presenting the audio/video data to a user **(column 1 lines 51-62)**;

obtaining a set of executable software instructions from the disc **(column 6 lines 7-16:**

Microprocessor 22 executes software instructions); receiving an input from the user

(column 1 lines 51-62: user interact with the multimedia presentation); and

executing, in response to the input **(column 6 lines 7-16: Microprocessor 22**

executes software instructions), one or more instructions of the set of executable

software instructions to determine how to enhance presentation of the audio/video data

currently being played back to the user **(column 6 lines 7-16: Microprocessor 22**

executes software instructions to form a 3D presentation data), wherein executing

the one or more instructions of the set of executable software instructions comprises:

identifying a temporal location of the audio/video data currently being played back

(column 7 lines 50-60: SPU data packet define the size and location of the window

as well as a display time); identifying programmatic data corresponding to the

identified temporal location **(column 7 lines 50-60: Header portion 46 includes 3D**

presentation data); and enhancing a presentation of the audio/video data by using the

identified programmatic data associated with the disc **(column 7 lines 50-60:**

displaying 3D presentation) as determined by executing the one or more instruction of

the set of executable software instruction **(column 6 lines 7-16: Microprocessor 22**

executes software instructions), the programmatic data including additional data and

adding additional details **(column 8 lines 1-21: OSD display e.g. textual message or**

menu), which do not exist in the audio/video data, to the audio/video data **(column 2
lines 52-60: AV data received from AV decoder and 3D or OSD received from
microprocessor)**, the programmatic data comprising; 2D information comprising data
for rendering a viewpoint that does not exist in the audio/video data**(column 7 lines 50-
60: Header portion 46 includes 3D presentation data)**; markup data identifying a plot
of the audio/video data **(column 6 lines 717: real time operation system; column 6
lines 34-44: software which emulates hardware execution MMX tm)**; data identifying
an enhanced functionality corresponding to different input and output devices **(column
8 lines 1-21: OSD display e.g. textual message or menu)**; informational data
comprising biographies and filmograpies **(column 8 lines 1-21: OSD display e.g.
textual message or menu)**; data identifying which content is to be displayed for
different rating levels; and different display format data comprising: a National
Television Standards Committee (NTSC) format or a Phase Alternating Line (PAL)
format **(column 7 lines 19-34: NTSC or PAL)**; widescreen format, a letter box format,
or a pan and scan format **(column 7 lines 19-34)**; and a standard definition format or a
High Definition Television HDTV format **(column 7 lines 19-34: standard television
format)**.

Watkins discloses all the claimed limitation as discussed above, except fail to
identifying which content is to be displayed for different rating level; however Fleming, III
et al. discloses categorize scenes by rating **(Figure 1: categorize scenes by ratings)**.

It would have been obvious to one ordinary skill in the art at the time of the
invention was made to combine the teachings of Fleming III et al. directed to ward

categorize scenes by rating into the system of Watkins in order to eliminate

objectionable sense, thus a parents have an ability to control over the playback of

audiovisual work.

Regarding Claim 2: Watkins and Fleming, III et al. discloses a method as recited in

claim 1, further Watkins discloses comprising: obtaining the programmatic data from the

disc **(column 8 lines 1-20: DVD-compliant, OSD)**.

Regarding Claim 3: Watkins and Fleming, III et al. discloses a method as recited in

claim 1, further Watkins discloses comprising: obtaining the programmatic data from a

local storage device **(Figure 1: Memory unit 16)**.

Regarding Claim 4: Watkins and Fleming, III et al. discloses a method as recited in

claim 1, further Fleming et al. discloses comprising: obtaining the programmatic data

from a remote storage device **(column 2 lines 9-22: medium distinct form the DVD

or hard drive of a server accessible via the internet)**.

Regarding Claim 5: Watkins and Fleming, III et al. discloses a method as recited in

claim 1, further Watkins discloses wherein the user input comprises a user input

requesting an action be taken regarding playback of the audio/video data **(column 6

lines 64-67: input devices 30 produces an output signal in response to a user

input)**.

Regarding Claims 7: Claims 7 reject for the same reason to claim 1 as discussed

above.

Regarding Claims 8-9: Claims 8-9 reject for the same reason to claim 2 as discussed above.

Regarding Claim 10: Watkins and Fleming, III et al. discloses a method as recited in claim 7, further Watkins discloses wherein the enhancing comprises improving the quality of the video data of the audio/video data **(column 7 lines 50-60: displaying 3D presentation).**

Regarding Claim 11: Watkins and Fleming, III et al. discloses a method as recited in claim 7, however Watkins and Fleming, III et al. fail to discloses wherein the enhancing comprises creating an HDTV (High Definition TV) version of the video data of the audio/video data. Official Notice is taken that both the concept and the advantage of the view of HDTV version of video data is well known and expected in the art.

Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to utilize said feature within said system taught by Watkins and Fleming, III et al., because such incorporation would result in better and clear view video data.

Regarding Claim 12: Watkins and Fleming, III et al. discloses a method as recited in claim 7; however Watkins and Fleming, III et al. fail to discloses wherein the enhancing comprises converting the video data of the audio/video data to a different aspect ratio. Official Notice is taken that both the concept and the advantage of converting the video data of the audio/video data to a different aspect ratio is well known and expected in the art.

Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to utilize said feature within said system taught by Watkins and Fleming, III et al., because such incorporation would result in better and clear view video data.

Regarding Claim 13: Watkins and Fleming, III et al. discloses a method as recited in claim 7, further Watkins discloses wherein the enhancing comprises incorporating popup information into the video data of the audio/video data **(column 8 lines 1-21: OSD display e.g. textual message or menu)**.

Regarding Claim 14: Boston et al. discloses a method as recited in claim 7, wherein the enhancing comprises displaying popup information when playback of the audio/video data is paused **(column 8 lines 1-21: OSD display e.g. textual message or menu)**.

Regarding Claim 15: Watkins and Fleming, III et al. discloses a method as recited in claim 7, further Fleming et al. discloses wherein the enhancing comprises allowing the user to scan through important scenes of the audio/video data, wherein the important scenes are identified in the programmatic data **(Figure 2: use pointer to play selected version)**.

Regarding Claim 16: Watkins and Fleming, III et al. discloses a method as recited in claim 7, further Fleming et al. discloses wherein the enhancing comprises presenting, to the user, a summary of important scenes of the audio/video data up to a particular point in the audio/video data **(Figure 2: use pointer to play selected version)**.

Regarding Claim 17: Watkins and Fleming, III et al. discloses a method as recited in claim 7, further Fleming et al. discloses wherein the enhancing comprises allowing the user to access additional episodic content associated with the audio/video data **(Figure 2: use pointer to play selected version)**.

Regarding Claims 18: Claims 18 reject for the same reason to claim 7-17 as discussed above.

Regarding Claims 19: Claims 19 reject for the same reason to claim 1 as discussed above.

Regarding Claims 20-21: Claims 20-21 reject for the same reason to claim 2 and 9 respectively as discussed above.

Regarding Claims 22-23: Claims 22-23 reject for the same reason to claim 3 and 4 respectively as discussed above.

Regarding Claims 24-31: Claims 24-31 reject for the same reason to claims 10-17 respectively as discussed above.

Regarding Claims 32: Claims 32 reject for the same reason to claim 1 as discussed above.

Regarding Claims 33-34: Claims 33-34 reject for the same reason to claim 9 as discussed above.

Regarding Claim 35: Claim 35 reject for the same reason to claim 32 as discussed above.

Regarding Claim 36: Claims 36 reject for the same reason to claim 1 as discussed above.

Regarding Claims 37-44: Claims 37-44 reject for the same reason to claims 10-17 respectively as discussed above.

Regarding Claims 45-46: Claims 45-46 reject for the same reason to claim 1-2 respectively as discussed above.

Regarding Claim 47: Claim 47 reject for the same reason to claims 1 and 11-12 as discussed above.

Regarding Claim 48: Claim 48 reject for the same reason to claims 2 as discussed above

Regarding Claim 49: Watkins and Fleming, III et al. discloses all the limitation of claim 48 as discussed in claim 47 above; however Watkins and Fleming, III et. fail to discloses executing, by the processing unit, a set of instructions that use the programmatic data to convert the video of the audio/video content from the first aspect ration to a second aspect ratio having at least one dimension smaller than the first aspect ration by removing at least one of rows of pixels or columns of pixels from the audio/video content, wherein the programmatic data identifies which row of pixels or columns of pixels to remove for each image of a video track of the audio/video content.

Official Notice is taken that both the concept and the advantage of converting the video

data of the audio/video data to a different aspect ratio, having at least one dimension

smaller than the first aspect ration by removing at least one of rows of pixels or columns

of pixels from the audio/video content, wherein the programmatic data identifies which

row of pixels or columns of pixels to remove for each image of a video track of the

audio/video contents well known and expected in the art.

Thus, it would have been obvious to one skilled in the art, at the time of the

applicant's invention, to utilize said feature within said system taught by Watkins and

Fleming, III et al., because such incorporation would result in better and clear view

video data.

Regarding Claims 50: Claims 50 reject for the same reason to claim 2 as discussed

above.

Regarding Claims 51: Claims 51 reject for the same reason to claim 1 and 13 as

discussed above.

Regarding Claims 53: Claims 53 reject for the same reason to claim 27 as discussed

above.

Regarding Claim 54: Watkins and Fleming, III et al. discloses a method as recited in

claim 51, further Watkins discloses wherein the popup information includes text

overlaying the video content **(column 8 lines 1-21: OSD display e.g. textual message**

or menu).

Regarding Claim 56: Watkins and Fleming, III et al. discloses a method as recited in claim 51, further Watkins discloses wherein the set of instructions, the audio/video content, and the programmatic data are all obtained from a same DVD **(column 5 line 56: Optical disk system include audio/video data)**.

Regarding Claim 57: Claim 57 are reject for the same reason to claim 51 as discussed above.

Regarding Claims 58-61: Claims 58-61 reject for the same reason to claims 53-56 respectively as discussed above.

Regarding Claim 62: Claims 62 reject for the same reason to claim 1 as discussed above.

Regarding Claim 64: Watkins and Fleming, III et al. discloses a method as recited in claim 62, further Fleming III et al. discloses wherein the programmatic data further comprises data identifying scenes of the audio/video content that are important to a sub-plot of the audio/video content **(Figure 2: connect to data base 41 and download pointer to allow playback of selected version 43)**, and wherein the device scans through the of the audio/video scenes content that are important to the sub-plot in response to the user request **(Figure 2: user selected version available on DVD 37)**.

Regarding Claim 65: Watkins and Fleming, III et al. discloses a method as recited in claim 62, further Fleming III et al. discloses wherein the device scans through the important scenes by jumping to a next important scene of a plurality of important scenes in response to the user request **(Figure 2: use pointers to play selected version 45)**.

Regarding Claim 66: Watkins and Fleming, III et al. discloses a method as recited in claim 62, Fleming III et al. discloses wherein the user request comprises activation of a scan button on an input device by the user remote control **(Figure 2: connect to database 41)**.

Regarding Claim 67: Watkins and Fleming, III et al. discloses a method as recited in claim 62, Fleming III et al. discloses wherein the device plays back a plurality of important scenes in response to a single user request **(Figure 2: use pointers to play selected version 45)**..

Regarding Claim 68: Claim 68 rejected for same reason to claim 61 as discussed above.

Regarding Claim 69: Claim 69 rejected for same reason to claim 62 as discussed above.

Regarding Claim 70-71: Claim 70-71 rejected for same reason to claim 67 as discussed above.

Regarding Claim 72: Claim 72 rejected for same reason to claim 61 as discussed above.

Regarding Claim 73: Claim 73 are reject for the same reason to claim 61 as discussed above.

Regarding Claim 74: Claim 74 are reject for the same reason to claim 64 as discussed above.

<u>Regarding Claim 75:</u> Claim 75 are reject for the same reason to claim 64 as discussed above.

<u>Regarding Claim 77:</u> Claim 77 are rejected for the same subject matter as claim 61.

<u>Regarding Claims 78-80:</u> Claims 78-80 are rejected for the same subject matter as claims 7, 18 and 61 respectively.

<u>Regarding Claim 81-82:</u> Claim 81-82 are reject for the same reason to claim 64 as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel Tekle/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621